

CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION CONSUMER AFFAIRS
BOARD OF DENTISTRY

_____)	
IN THE MATTER OF)	Administrative Action
)	
)	FINAL ORDER
JOSEPH BROWN, D.D.S.)	OF DISCIPLINE
License No. DI 13607)	
)	
)	
TO PRACTICE DENTISTRY IN THE)	
STATE OF NEW JERSEY)	
_____)	

This matter was opened to the New Jersey State Board of Dentistry upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Joseph Brown, D.D.S. ("respondent"), is a dentist who currently holds a license to practice dentistry in the State of New Jersey with restrictions imposed by the Board following a history of disciplinary action based on drug use.

2. In February 1991 respondent's license was temporarily suspended upon the application of the Attorney General following evidence of drug abuse.

3. In January 1993 the Board reinstated respondent's license to practice with restrictions including practicing under

supervision and prohibiting him from prescribing of controlled dangerous substances.

4. In April 1994, the Board modified the restrictions imposed by its order of January 1993 and permitted respondent to prescribe controlled dangerous substances provided that he use triplicate prescription pads and provided copies of all prescriptions written to the Board.

5. In October 1994, following a positive urine test for cocaine, the Board suspended respondent's license for sixty days.

6. In December 1994, following receipt of evidence of another positive urine test for cocaine, respondent voluntarily surrendered his license to practice dentistry in this State.

7. In December 1998, following submission of information concerning respondent's progress in recovery, respondent's license was reinstated with restrictions, including the following: "Respondent shall not prescribe or have access to controlled dangerous substances until further order of the Board."

8. On September 10, 1999 respondent completed his biennial license renewal form and sought to "renew" his Controlled Dangerous Substance Registration. (Exhibit A). Respondent has not held a Controlled Dangerous Substance Registration since 1989.

9. On December 7, 1999 respondent completed an application for registration for Controlled Dangerous Substance registration with the Drug Control Unit, New Jersey Department of Law and Public

Safety. In response to question 4(a): "Has any restriction been imposed which would affect your privilege to hold a CDS registration for Schedule II, III, IV or V substances in this state or any other jurisdiction?" respondent answered: "No."

10. The Board's December 1998 order restricts his privileges with regard to controlled dangerous substances.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice dentistry in the State of New Jersey for six months was entered on February 14, 2000 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other evidence supporting his request.

Respondent submitted a response arguing that while he made an error in completing the CDS registration application, he did not provide any information in a fraudulent or misleading manner. The question on the CDS application asks if any restrictions have been imposed on the applicant which would affect the privilege to hold a CDS registration for Schedule II, III, IV or V substances in New Jersey or any other jurisdiction. Respondent believed that since

he only wanted to prescribe non-narcotic analgesics and antibiotics, the answer to this question was "No." He claims to have been confused about the fact that a CDS registration is only for the drugs which he is not permitted to prescribe pursuant to the December 1998 Order of the Board and that he is permitted to prescribe non-narcotic analgesics and antibiotics without a CDS registration.

In reviewing the Provisional Order of Discipline and respondent's response, the Board determined that there was a disputed issue of material fact which warranted an evidentiary hearing. The hearing was held on September 20, 2000. Respondent appeared with his attorney Pamela Mandel, Esq. and the State's case was presented by Deputy Attorney General Nancy Costello Miller.

At the hearing, testimony on behalf of the State was presented by Stanley Tafil, Executive Officer of the Drug Control Unit, regarding the procedures and practices employed by his Unit in the process of registering eligible applicants for the authority to prescribe, dispense and administer Controlled Dangerous Substances and the manner in which those procedures and practices were applied to respondent's application. Testimony was also received from respondent regarding his submission of the application in question. Documents were received into evidence from both parties.

CONCLUSIONS OF LAW

After considering all the testimony and evidence presented in this matter the Board finds that respondent engaged in acts of misrepresentation by submitting a CDS registration application to the Drug Control Unit of the New Jersey Department of Law and Public Safety and answering "NO" to the question on that application which read: "[h]as any restriction been imposed which would affect your privilege to hold a CDS registration for Schedule II, III, IV, or V substances in this state or any other jurisdiction?" These acts form the basis for discipline pursuant to N.J.S.A. 45:1-21(b) and (e).

ACCORDINGLY, IT IS on this / day of November, 2000,

ORDERED that:

1. Respondent is hereby reprimanded for his conduct and violations of law as detailed in this Order.

NEW JERSEY BOARD OF DENTISTRY

By: Barbara Ann Rich, DDS
Barbara Rich, D.D.S.
Board President

THIS APPLICATION IS
REQUIRED PURSUANT
TO THE PROVISIONS
OF N.J.S.A.

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

J 190 9
LICENSE NUMBER
DI 13607

BOARD OF DENTISTRY

Biennial Renewal Application For: **DENTIST**
Period From: **11/01/99** Period To: **10/31/01**

45:6-10

RENEWAL FEE
~~\$170.00~~
190

2245621
MAKE CHECK OR MONEY
ORDER PAYABLE TO
DIVISION OF
CONSUMER AFFAIRS

L
JOSEPH A BROWN
2 WASHINGTON AVE
IRVINGTON

NJ 07111

16

IF NOT RENEWED BY: **10/31/99** THE LATE RENEWAL FEE IS: **\$270.00**

General Information.

This renewal application must be completed in ink. All questions must be answered and the licensee must sign thereby attesting to the accuracy of the answers given. Failure to do so will result in the application being returned to the applicant, possibly delaying the renewal effective date. Photocopies/faxed copies of this form will not be accepted. Return the completed, signed original application with your check or money order (no cash), made payable to the Division of Consumer Affairs in the enclosed envelope.

Licensees are required to obtain at least forty (40) continuing education courses during every biennial renewal period.

1. Has any foreign or domestic government agency instituted charges or actions against you, or revoked, suspended or accepted surrender of your professional license since your last renewal? YES ☐ NO ☒
2. Have you been arrested, charged or convicted for the violation of any law or regulation since your last renewal? (Parking or speeding violations need not be disclosed; motor vehicle offenses such as driving while impaired or intoxicated must be disclosed.) YES ☐ NO ☒
3. Has any HMO, insurance company, hospital or other licensed facility taken or begun action affecting your professional training, employment or privileges, or have you voluntarily or involuntarily resigned or withdrawn from an association to avoid the imposition of such action since your last renewal? YES ☐ NO ☒
4. I have completed 42 hours of continuing education during the past two years.

Branch Renewals— For each branch renewal, add a \$44.00 fee to the professional license renewal fee above. Please contact the board at 973-504-6405 in order to register a new branch office.

Renew?

YES ☐ NO ☐

YES ☐ NO ☐

YES ☐ NO ☐

Exhibit A

Total fees for branch offices (add to professional license renewal fee and CDS registration fee) \$ 190.00
Total owed

* For each branch office the fee is \$44.00

Please continue on the back of this form

Controlled Dangerous Substance Registration Renewal

For each CDS Renewal, add \$20.00 to branch and professional renewal fees

CDS Number

DENTAL HEALTH ASSOCIATES
2 WASHINGTON AVENUE
IRVINGTON, NJ 07111

DENTAL HEALTH ASSOCIATES
2 WASHINGTON AVENUE
IRVINGTON, NJ 07111

Renew?

YES ☒ NO ☐

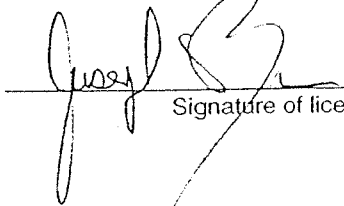
YES ☐ NO ☐

YES ☐ NO ☐

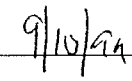
If you need additional space, please enclose a list of branch CDS registration information as above.

- a. Have you had any restrictions imposed that would affect the schedules for which you are applying, in this or any other jurisdiction, in the past year? YES ☐ NO ☒
- b. Have you been arrested, indicted or convicted of a crime, or offense, in any state or jurisdiction in connection with controlled substances under state or federal law in the past year? YES ☐ NO ☒
- c. Have you surrendered a previous controlled drug registration or had a controlled drug registration revoked, suspended or denied in any other state or jurisdiction in the past year? YES ☐ NO ☒

"I certify that the information entered on this form is true and complete to the best of my knowledge, and further acknowledge that if the information supplied on this form is willfully false, I am subject to punishment and/or disciplinary sanctions including license suspension/revocation or the imposition of civil penalties as may be provided by law."



Signature of licensee



Date